

**IN THE CLAIMS:**

Please amend claims 1, 9 and 10; and

Please add new claims 13-22 as follows:

A copy of all pending claims and a status of the claims are provided below.

1. (Currently Amended) A method for routing a datagram in an IP network, said method comprising the steps of:

receiving a datagram with a destination network address;

identifying a next hop router en route to or associated with said destination network address; and

determining whether or not transmission of said datagram on a link to said next hop router would result in a bandwidth usage exceeding a bandwidth threshold associated with said next hop router, and

if not, updating the bandwidth usage associated with said next hop router, and transmitting said datagram to said next hop router,

if so, selecting among other possible next hop routers en route to or associated with said destination address, another next hop router for which transmission of said datagram on a link to said other next hop router would not result in a bandwidth usage exceeding a bandwidth threshold associated with said other next hop router, updating the bandwidth usage associated with said other next hop router, and transmitting said datagram to said other next hop router; and

basing a routing decision on the bandwidth usage of the link to said next hop router,

wherein the bandwidth usage is a dynamic parameter which is updated in a forwarding information database (FIB) in real-time.

2. (Previously Presented) The method as set forth in claim 1, wherein the step of selecting comprises the steps of:

if, among said other possible next hop routers, there is no other next hop router for which the transmission of the datagram on the respective link would result in the bandwidth usage being less than the respective bandwidth threshold, choosing among said other possible next hop routers, another next hop router, updating the bandwidth threshold associated with said other, chosen next hop router with a larger, predefined bandwidth threshold; and

transmitting the datagram to said other, chosen next hop router.

3. (Original) The method as set forth in claim 1 wherein the step of determining, comprises the step of adding a bandwidth usage associated with said next hop router immediately before transmission of said datagram on said link to said next hop router to a bandwidth usage required for transmission of said datagram on said link to said next hop router, and comparing a result of said adding step to the bandwidth threshold associated with said next hop router.

4. (Original) The method as set forth in claim 1 wherein the step of updating the bandwidth usage associated with the first said next hop router, comprises the step of updating in a table, the current bandwidth usage with the estimated bandwidth usage.

5. (Cancelled)

6. (Cancelled)

7. (Original) The method as set forth in claim 2, wherein the step of choosing among said other possible next hop routers, comprises the step of choosing among said other possible next hop routers, a next hop router according to a shortest path algorithm.

8. (Original) The method as set forth in claim 1, wherein a bandwidth usage of a link to said next hop router is based on other datagrams that have been transmitted on said link within a time period prior to a current time.

9. (Currently Amended) A router for routing a datagram in an IP network, said router comprising:

means for receiving a datagram with a destination network address;

means for identifying a next hop router en route to or associated with said destination network address; and

means for determining whether or not transmission of said datagram on a link to said next hop router would result in a bandwidth usage exceeding a bandwidth threshold associated with said next hop router, and

if not, updating the bandwidth usage associated with said next hop router, and transmitting said datagram to said next hop router,

if so, selecting among other possible next hop routers en route to or associated with said destination address, another next hop router for which transmission of said datagram on a link to said other next hop router would not result in a bandwidth usage exceeding a bandwidth threshold associated with said other next hop router, updating the bandwidth usage associated with said other next hop router, and transmitting said datagram to said other next hop router,

wherein the router bases a routing decision on the bandwidth usage of the link to said next hop router,

wherein the bandwidth usage is a dynamic parameter which is updated in a forwarding information database (FIB) in real-time.

10. (Currently Amended) A computer program product for routing a datagram in an IP network, said program product comprising:

a computer readable medium;

first program instructions to receive a datagram with a destination network address;

second program instructions to identify a next hop router en route to or associated with said destination network address; and

third program instructions to determine whether or not transmission of said datagram on a link to said next hop router would result in a bandwidth usage exceeding a bandwidth threshold associated with said next hop router, and

if not, updating the bandwidth usage associated with said next hop router, and transmitting said datagram to said next hop router,

if so, selecting among other possible next hop routers en route to or associated with said destination address, another next hop router for which transmission of said datagram on a link to said other next hop router would not result in a bandwidth usage exceeding a bandwidth threshold associated with said other next hop router, updating the bandwidth usage associated with said other next hop router, and transmitting said datagram to said other next hop router; and

wherein said first, second and third program instructions are recorded on said medium, and

wherein a routing decision is based on the bandwidth usage of the link to said next hop router, and

wherein the bandwidth usage is a dynamic parameter which is updated in a forwarding information database (FIB) in real-time.

11. (Previously Presented) A computer program product as set forth in claim 10, wherein said third program instructions determine that transmission of said datagram on a link to said next hop router would result in a bandwidth usage exceeding a bandwidth threshold associated with said next hop router, and among said other

possible next hop routers, there is not other next hop router for which the transmission of the datagram on the respective link would result in the bandwidth usage being less than the respective bandwidth threshold, and in response,

choose among said other possible next hop routers, another next hop router,

update the bandwidth threshold associated with said other, chosen next hop router with a larger, predefined bandwidth threshold; and

transmit the datagram to said other, chosen next hop router.

12. (Previously Presented) A router as set forth in claim 9, wherein the determining means determines that transmission of said datagram on a link to said next hop router would result in a bandwidth usage exceeding a bandwidth threshold associated with said next hop router, and among said other possible next hop routers, there is no other next hop router for which the transmission of the datagram on the respective link would result in the bandwidth usage being less than the respective bandwidth threshold, and in response,

chooses among said other possible next hop routers, another next hop router,

updates the bandwidth threshold associated with said other, chosen next hop router with a larger, predefined bandwidth threshold; and

transmits the datagram to said other, chosen next hop router.

13. (New) The method as set forth in claim 1, further comprising sending an IP datagram with an updated header to a selected next hop router and defining a current bandwidth for billing as an increasing function.

14. (New) The method as set forth in claim 1, further comprising, at a beginning of a billing period, defining a current bandwidth threshold equal to a lowest value in a list of bandwidth thresholds.

15. (New) The method as set forth in claim 1, further comprising, for each link to a next hop router, adding a minimum time to emit a next datagram, a list of bandwidth thresholds, a current bandwidth threshold, and a billing period in the FIB.

16. (New) The method as set forth in claim 1, further comprising, for each link to a next hop router, utilizing a current bandwidth for billing, a list of bandwidth thresholds, a current bandwidth threshold, and a billing period to route traffic.

17. (New) The router as set forth in claim 9, further comprising means for sending an IP datagram with an updated header to a selected next hop router and means defining a current bandwidth for billing as an increasing function.

18. (New) The router as set forth in claim 9, wherein, for each link to a next hop router, a minimum time to emit a next datagram, a list of bandwidth thresholds, a current bandwidth threshold, and a billing period is added in the FIB.

19. (New) The router as set forth in claim 9, wherein, for each link to a next hop router, a current bandwidth for billing, a list of bandwidth thresholds, a current bandwidth threshold, and a billing period are utilized to route traffic.

20. (New) The product as set forth in claim 10, wherein, at a beginning of a billing period, a current bandwidth threshold is defined equal to a lowest value in a list of bandwidth thresholds.

21. (New) The product as set forth in claim 10, wherein, for each link to a next hop router, a minimum time to emit a next datagram, a list of bandwidth thresholds, a current bandwidth threshold, and a billing period is added in the FIB.

22. (New) The product as set forth in claim 10, wherein, for each link to a next hop router, a current bandwidth for billing, a list of bandwidth thresholds, a current bandwidth threshold, and a billing period are utilized to route traffic.